

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

SEVENTY-NINTH LEGISLATIVE DAY
TUESDAY, MARCH 31, 2009

Senate Chamber

President Little called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Cameron, Jorgenson, Keough, Lodge, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Darcie Wonacott, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 30, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 111

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

HONORING AND COMMENDING M. ALLYN DINGEL FOR HIS YEARS OF SERVICE TO THE LEGISLATURE OF THE STATE OF IDAHO, TO THE IDAHO COURTS AND FOR HIS CHARITABLE AND PHILANTHROPIC ENDEAVORS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, M. Allyn Dingel graduated from the University of Idaho in 1958 going on to receive his L.L.B. from New York University's School of Law in 1961, where he was a John Norton Pomeroy Scholar and associate editor of the NYU Law Review; and

WHEREAS, M. Allyn Dingel's outstanding and exemplary professional law career includes being a founding member of the Idaho Law Foundation, lawyer representative and chairman of

the Ninth Circuit Conference of the United States Courts from Idaho, Fellow of the American College of Trial Lawyers, Fellow of the American Bar Foundation, Chairman of the Idaho Code Commission, Idaho State Delegate to the House of Delegates of the American Bar Association and the Idaho State Bar Association Distinguished Lawyer of the Year award in 2004; and

WHEREAS, in the early 1960's, Allyn first initiated his Idaho legislative and executive branch alliances by serving three years with the Idaho Attorney General as counsel for the Department of Insurance and the Department of Finance and was the chief criminal deputy at the ripe old age of twenty-seven. In 1964, he helped litigate the case of *Hearne v. Smylie* before the United States Supreme Court where the landmark cases on legislative apportionment *Baker v. Carr* and *Reynolds v. Sims* were cited in the Court's opinion; and

WHEREAS, following his stint in the Attorney General's Office, Allyn joined the Elam and Burke law firm where he has had a distinguished career spanning more than forty years; and

WHEREAS, M. Allyn Dingel has been recognized by the Idaho judiciary for the outstanding contributions in advancing, promoting and improving the administration of justice in the state of Idaho, including his unwavering support of the judiciary's legislative priorities and innovations to ensure Idaho courts continue as one of the top court systems in the nation; and

WHEREAS, in addition to his distinguished career, M. Allyn "d-d-d-Dingel" has provided invaluable assistance, advice and counsel to Idaho legislators, legislative committees, and the leadership of the Idaho Senate and House of Representatives—sometimes solicited, sometimes not, for nearly forty years; and

WHEREAS, in his spare time, Allyn has been active in the community, serving on the board of directors of St. Stephen's and St. Michael's Episcopal churches, serving as Chancellor for the Episcopal Diocese of Idaho and serving on the board of directors of the Boise Philharmonic. Allyn has always taken an interest in his children and their respective endeavors, even as coach of his son's softball team, leading them to a come-from-ahead defeat, blowing a twelve-run lead in the bottom of the last inning with eleven runs being scored with two outs—while Allyn was frantically planning defenses and pitching changes; and

WHEREAS, his good humor, his prodigious memory of persons, times and events, and his unfailing courtesy, honesty and integrity have served as a model for us all.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor the life and achievements of M. Allyn Dingel and we extend to him the appreciation and gratitude of this Legislature for his service to the state of Idaho, and, in particular, his service to the legislative branch of our state government.

[SCR 111](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 31, 2009

The JUDICIARY AND RULES Committee reports that [S 1170](#) has been correctly printed.

DARRINGTON, Chairman

[S 1170](#) was referred to the Finance Committee.

March 30, 2009

The JUDICIARY AND RULES Committee reports that [S 1003](#), [S 1008](#), and [S 1138](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1003](#), [S 1008](#), and [S 1138](#) and ordered them transmitted to the House for the signature of the Speaker.

March 30, 2009

The STATE AFFAIRS Committee reports out [H 195](#) with the recommendation that it do pass, and with the recommendation that they be placed on the Consent Calendar.

MCKENZIE, Chairman

[H 195](#) was filed for second reading.

March 30, 2009

The RESOURCES AND ENVIRONMENT Committee reports out [HJM 6](#) with the recommendation that it do pass.

SCHROEDER, Chairman

[HJM 6](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 30, 2009

The STATE AFFAIRS Committee reports out [HCR 28](#) and [S 1156](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[HCR 28](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1156](#) was filed for second reading.

March 31, 2009

The FINANCE Committee reports out [S 1170](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1170](#) was filed for second reading.

March 31, 2009

The EDUCATION Committee reports out [H 252](#) with the recommendation that it do pass.

GOEDDE, Chairman

[H 252](#) was filed for second reading.

Senator Lodge was recorded present at this order of business.

March 31, 2009

The HEALTH AND WELFARE Committee reports out [H 146](#), as amended, and [H 261](#) with the recommendation that they do pass.

LODGE, Chairman

[H 146](#), as amended, and [H 261](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Jorgenson was recorded present at this order of business.

March 30, 2009

Dear Mr. President:

I transmit herewith [H 216](#), as amended, [H 266](#), [H 248](#), and [H 258](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 216](#), as amended, [H 266](#), [H 248](#), and [H 258](#) were filed for first reading.

March 30, 2009

Dear Mr. President:

I return herewith [S 1128](#), [S 1115](#), [S 1071](#), as amended, [S 1111](#), [S 1098](#), as amended, [S 1065](#), [S 1127](#), [S 1109](#), as amended, [S 1061](#), [S 1131](#), [S 1046](#), and [S 1050](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1128](#), [S 1115](#), [S 1071](#), as amended, [S 1111](#), [S 1098](#), as amended, [S 1065](#), [S 1127](#), [S 1109](#), as amended, [S 1061](#), [S 1131](#), [S 1046](#), and [S 1050](#) were referred to the Judiciary and Rules Committee for enrolling.

March 31, 2009

Dear Mr. President:

I return herewith [S 1004](#), as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator McKague, granted by unanimous consent, [S 1004](#), as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Stegner was recorded present at this order of business.

The President announced that the House amendments to [S 1004](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1004](#), as amended in the House?"

On request by Senator McKague, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1004](#), as amended in the House.

[S 1004](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

Senator Keough was recorded present at this order of business.

**S 1171
BY FINANCE COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; EXPRESSING LEGISLATIVE INTENT REGARDING THE TRANSFER OF MONEYS FROM THE EARNINGS RESERVE FUNDS TO THE INCOME FUNDS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY FOR SECTION 6 OF THIS ACT.

**S 1172
BY FINANCE COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

**S 1173
BY FINANCE COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

**S 1174
BY FINANCE COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; REDUCING THE SALARY OF THE TAX COMMISSIONERS BY THREE PERCENT FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

**S 1175
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-106, IDAHO CODE, TO CLARIFY APPLICATION OF CERTAIN PROVISIONS, TO STRIKE ARCHAIC VERBIAGE, TO PROVIDE THAT THE DEPARTMENT SHALL TAKE SPECIFIED ACTION RELATING TO THE RELOCATION OF BIGHORN SHEEP, TO PROVIDE FOR CERTAIN WRITTEN AGREEMENTS PRIOR TO TRANSPLANT OR RELOCATION OF BIGHORN SHEEP, TO PROVIDE THAT SPECIFIED DOMESTIC SHEEP AND LIVESTOCK OPERATIONS SHALL BE HELD HARMLESS FROM ADVERSE IMPACTS BY THE STATE OF IDAHO, TO PROVIDE FOR THE RELOCATION OR CONTROL OF CERTAIN BIGHORN SHEEP BY THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR THE BASIS OF CERTIFICATION AND TO DELETE REFERENCE TO PROVISIONS RELATING TO THE EMPLOYMENT OF CERTAIN VETERINARIANS BY THE DEPARTMENT OF AGRICULTURE; AMENDING SECTION 36-408, IDAHO CODE, TO DELETE REFERENCE TO A CERTAIN VETERINARIAN PROGRAM AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

[S 1171](#), [S 1172](#), [S 1173](#), [S 1174](#), and [S 1175](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 216](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 266](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 248](#) and [H 258](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 97](#), as amended, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

[H 241](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Cameron was recorded present at this order of business.

H 128 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared **H 128** passed, title was approved, and the bill ordered returned to the House.

H 129 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared **H 129** passed, title was approved, and the bill ordered returned to the House.

H 147 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Hill, Kelly, Lodge, McGee, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Thorson (Stennett), Werk. Total - 24.

NAYS—Bair, Fulcher, Heinrich, Jorgenson, Keough, LeFavour, McKague, McKenzie, Mortimer, Siddoway, Winder. Total - 11.

Total - 35.

Whereupon the President declared **H 147** passed, title was approved, and the bill ordered returned to the House.

H 145, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration.

Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared **H 145**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 160, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared **H 160**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 108 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared **H 108** passed, title was approved, and the bill ordered returned to the House.

H 113 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 113](#) passed, title was approved, and the bill ordered returned to the House.

[H 115](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 115](#) passed, title was approved, and the bill ordered returned to the House.

[H 188](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senators Fulcher and Winder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 188](#) passed, title was approved, and the bill ordered returned to the House.

[H 189](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senators Fulcher and Winder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 189](#) passed, title was approved, and the bill ordered returned to the House.

[H 190](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senators Fulcher and Winder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 190](#) passed, title was approved, and the bill ordered returned to the House.

[H 191](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senators Fulcher and Winder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Corder, Kelly, LeFavour, Sagness (Malepeai), Thorson (Stennett), Werk. Total - 8.

Total - 35.

Whereupon the President declared [H 191](#) passed, title was approved, and the bill ordered returned to the House.

[H 157](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Goedde and Pearce arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Smyser disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 157](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 212](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 212](#) passed, title was approved, and the bill ordered returned to the House.

[H 106](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 106](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 213](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—Davis. Total - 1.

Total - 35.

Whereupon the President declared [H 213](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out [H 194](#), [S 1141](#), as amended, and [H 232](#), without recommendation, amended as follows:

SENATE AMENDMENT TO H 194

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 24 and 25 and insert:

"(4) "Sport shooting instructor " means a person who holds a current instructor certification issued by the Idaho department of fish and game, the Idaho state police, the national rifle association or other nationally recognized organization, which certifies shooting instructors who are engaged, whether or not for compensation, in instructing, training or coaching a participant in sport shooting activities;

(5) "Sport shooting official" means a person who holds a current certification as a referee, match director, range officer, range master or other similar function issued by the national rifle association, United States practical shooting association, national range officers institute, USA shooting, international shooting sports federation or other nationally or internationally recognized organization which certifies match officials who are engaged in supervising sport shooting activities"; in line 26, delete "5" and insert: "6"; in line 29, delete "6" and insert: "7"; in line 32, delete "7" and insert: "8"; in line 36, following "(2)" insert: "or (3)"; in line 37, following "sponsor" insert: ", sport shooting official".

On page 2, in line 2, following "(2)" insert: "or (3)"; in line 4, following "sponsor" insert: ", sport shooting official"; in line 7, following "sponsor" insert: ", sport shooting official"; in line 8, following "sponsor" insert: ", sport shooting official"; in line 12, delete "or"; in line 13, delete "." and insert: "," and following line 13, insert:

"(iii) Fails to exercise ordinary care in the sport shooting range operator's, sport shooting sponsor's, sport shooting official's or sport shooting instructor's own use of a firearm, airgun or archery equipment; or (iv) Provides firearms, airguns or archery equipment to a participant and fails to exercise ordinary care to determine that the provided firearms, airguns or archery equipment are in a safe operating condition.";

in line 14, delete "or"; in line 15, delete "." and insert: "; or" and following line 15, insert:

"(d) Under the provisions of the Idaho worker's compensation law, section 72-101, Idaho Code, et seq.

(3) Nothing in subsection (1) of this section shall prevent or limit the liability of a sport shooting range operator if a participant sustains an injury because of a dangerous latent condition which was known or should have been known to the sport shooting range operator and for which warning signs had not been conspicuously posted.

(4) Nothing in this section shall be construed to enlarge or otherwise adversely affect the liability of any party. This section shall not be construed to impair any defense and any other immunity or bar to a civil lawsuit shall remain in effect."

CORRECTION TO TITLE

On page 1, in line 5, delete "AND" and insert: ";"; and also in line 5, following "EXCEPTIONS" insert: "AND TO CLARIFY CONSTRUCTION RELATING TO CERTAIN PROVISIONS".

SENATE AMENDMENT TO S 1141, As Amended

AMENDMENT TO SECTION 2

On page 5 of the engrossed bill, following line 15, insert:
"Controlled Hunt Deer Tag 18.00 300.00";
in line 19, delete "35.00" and insert: "29.00"; and following line
19, insert:
"Controlled Hunt Elk Tag 29.00 415.00".

SENATE AMENDMENT TO H 232

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 30, following "section"
insert: "to".

The Committee also has [S 1055](#), [S 1092](#), [S 1095](#), [S 1147](#), and
[S 1140](#) under consideration, reports progress, and begs leave to
sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk,
the report was adopted by voice vote.

[S 1141](#), as amended, as amended, was referred to the
Judiciary and Rules Committee for engrossing and the
amendments thereto were referred to the Judiciary and Rules
Committee for printing.

[H 194](#), as amended in the Senate, and [H 232](#), as amended
in the Senate, were filed for first reading as amended, and the
amendments thereto were referred to the Judiciary and Rules
Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by
voice vote, the Senate adjourned at 12:05 p.m. until the hour of
10 a.m., Wednesday, April 1, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary